



महाराष्ट्र शासन राजपत्र

असाधारण

प्राधिकृत प्रकाशन

मुंबई, ऑक्टोबर २४, २००८/कार्तिक १, शके १९३०

स्वातंत्र्य संकलन म्हणून कार्य करणाऱ्यांची या भागातला वेगळे पृष्ठ क्रमांक दिले आहेत.

भाग चार-अ

महाराष्ट्र शासनाने केंद्रीय अधिनियमांमध्ये तत्वार केलेले (भाग एक, एक-अ आणि एक-स यांमध्ये प्रसिद्ध केलेले नियम व अदेश यांमध्ये) नियम व अदेश.

HOME DEPARTMENT

Mantralaya, Mumbai 400 032, dated the 23rd October 2008

NOTIFICATION

MOTOR VEHICLES ACT, 1988.

No. RTA. 1003/CR-4/TRA-3.—Whereas the Reciprocal Transport Agreement between the Governments of Maharashtra and Rajasthan was entered into on 18th January 1975 and it has been under implementation accordingly; And whereas the said agreement has been amended through the supplemental agreements dated 27th June 1986 and 31st May 1989;

And whereas, the Government of Maharashtra and Rajasthan having received several representations for introduction of new services connecting Maharashtra and Rajasthan and *vice-versa*; and proposed to

enter into New Reciprocal Transport Agreement in supersession of all the previous Reciprocal Transport Agreements which are published ;

And whereas, the draft of the agreement which the Government of Maharashtra proposed to enter into with the Government of Rajasthan in regard to the operation of the stage carriage services etc., more fully specified into the Draft Reciprocal Transport Agreement on the inter-state routes between the two States, was published by the Government of Maharashtra *vide* Notification No. RTA. 1008/CR-4/TRA-3, dated 11th October 2007 as required by sub-section (5) of section 88 of the Motor Vehicles Act, 1988 (59 of 1988) inviting representations from the persons who have right to make representations on or before 10th November 2007 ;

And Whereas, no representations have been received on the said draft by the Government ;

Now, therefore, in exercise of powers conferred by sub-section (5) of section 88 of Motor Vehicles Act, 1988 (59 of 1988) the Government of Maharashtra hereby publishes the following agreement arrived at between the States of Maharashtra and Rajasthan.

Reciprocal Transport Agreement between the Government of Rajasthan and Government of Maharashtra.

This agreement made this 5th day of September, 2008 between the Governor of Rajasthan (hereinafter referred to as the Government of Rajasthan, which expression shall include his successor in office) of the one part and the Governor of Maharashtra (hereinafter referred to as the Government of Maharashtra, which expression shall include his successor in office) of the second part.

WHEREAS, it is expedient in view of the rapid economic development of the country, to encourage the long distance Inter-State Transport of the passengers and goods between the States of Rajasthan and Maharashtra and to regulate, co-ordinate and control their operation, it is necessary to make a reciprocal agreement between the two States.

And Whereas, the parties hereto desire that in supersession of all the previous agreements on the subject entered into between them an agreement on the terms and conditions set out hereinafter may made between them.

Now This Deed Witness and the parties hereby mutually agree as follows :—

1. This agreement shall come into force with immediate effect.
2. *Goods Carriage Permits : (i) Goods Carriage (Substantive Permits).—*

(a) The permit for goods carriage without restriction on their number belonging to each shall be countersigned by the Transport Authority of the other state on the recommendation of the State Transport Authority concerned, subject to general or special concurrence of the intermediate state.

(b) The goods carriages operating under counter signature shall not be used for picking up and setting down of goods between any two points lying exclusively within the territory of the reciprocating State, that is to say in such cases vehicles shall be prohibited from carrying on any business of transporting goods exclusively within the territory of the countersigning State and shall be subject to such conditions as the concerned Transport Authority may deem fit to impose under Section 79 and 84 of the Motor Vehicles Act, 1988.

(c) Either State will countersign substantive goods carriage permit issued by the reciprocating State provided that the substantive goods carriage permit holder is already holding countersignature granted by the intermediate state of either Gujarat or Madhya Pradesh on another substantive goods carriage permit issued by the reciprocating State.

(d) The countersignature holder shall pay composite tax due to the reciprocating State within time limit prescribed in their Taxation Rules, if he/she fails to pay the composite tax within two months from the

date of expiry of the period for which the composite tax was last paid, the countersignature shall be deemed to be cancelled under intimation to Original Registering Authority.

(e) The goods carriages which are more than 8 years old from date of their initial registration are not allowed to either the city of Mumbai, unless running on CNG or LPG as per orders of the Hon'ble High Court, Mumbai in a Public Interest Litigation case (W.P.No. 1762/1999).

(ii) *Goods Carriage (Temporary Permits).*—There is no restriction on grant of Temporary permits if there is concurrence of both the State Transport Authorities. Goods carriage temporary permits as per need may be issued for a period not exceeding 30 days by either State in accordance with the provisions of Section 87(1) or 87(2) of the Motor Vehicles Act, 1988 except on prohibited routes in the reciprocating State, without any restrictions on the number of trips and without countersignature of the Transport Authority of reciprocating State, on double point tax basis. List of the prohibited routes will be exchanged by both the States.

3. *Contract Carriage Permits.*—(i) *Motor Cab Permits (Substantive Permits)* :—No substantive contract permits for motor cab shall be countersigned by either States. However, permits countersigned prior to this agreement shall be valid till their validity.

(ii) *Contract carriage permits (Special Permits Under section 88 (8) of the Motor Vehicles Act.)*.—These permits may be issued by the Transport Authority of each State without prior concurrence of the Transport Authority of the State, according to the need of the tourists. The permits shall contain the detailed programme of the tour, showing the dates of tour, showing the dates of onwards and return journeys, the order in which the various places shall be visited along with and indication of the appropriate date of the arrival and the departure from each such places. The permit shall also contain list of passengers travelling in the vehicle.

4. *Stage carriage Permits (substantive Permits).*—(i) The stage carriages with number of trips and number of vehicles under operation shall be as per Annexure 'A' and 'B'.

(ii) The number of trips allocated for each State on each inter-state route shall be fixed as per this agreement. A trip for the purpose of this agreement shall mean single trip daily. The routes mentioned in Annexure "A" and "B" shall always mean the shortest direct route connecting the two State through the places mentioned therein. Any discrepancy discovered later in the name and length of route shown in the said Annexures shall promptly be corrected through correspondence between the reciprocating State and shall not be treated as any modification of the agreement.

(iii) The time table for stage carriages of State undertaking shall be fixed by the concerned State Transport Undertaking, after mutual consultations.

(iv) Passenger fares shall be charged according to the rate fixed by the respective States for the portion lying in that State.

(v) The stage carriage permits of both the State falling under reciprocal agreement shall be countersigned on the single point taxation basis that means every such permit holders shall have to pay Special Road Tax/ Passenger Tax etc.

(vi) Countersignature on the substantive Stage Carriage permits will be granted by either State only if there is a genral or special concurrence of the intermediate States for that purpose.

(vii) If for any reason, it has not been possible to decide an application for the renewal of the permit before its expiry, the home State may issue temporary permit under section 87 (1) (d) of the Motor Vehicles Act, 1988 for a period up to four months under intimation to the reciprocating State and such temporary permit subject to proviso set out below, shall require countersignature of the reciprocating State, and the motor vehicles will be authorized to ply on single point taxation basis.

Provided that the application for renewal of countersignature has been submitted to the reciprocating State within the time allowed for submission of renewal application under section 81 (2) of the Motor Vehicles Act, 1988.

(viii) No permit for stage carriage shall be granted or countersigned other than that of State Transport Undertakings on nationalized routes or part thereof by the transport authorities of reciprocating States.

(ix) Both the state Transport Undertaking can operate any inter-state route by any vehicle out of its fleet, owned or hired by concerned State Transport Undertakings.

(x) The respective State Transport Undertakings may add new services of stage carriages on notified routes or increase the number of trips on any existing route keeping in view the overall public demand, by mutual agreement in writing with the approval of both the State Governments. This will also imply that no Motor Vehicle Tax/Road Tax shall be payable by the respective State Transport Undertakings to the reciprocating State in respect of such services.

(xi) The State of Maharashtra shall have the right to increase their routes operated within the State of Rajasthan upto 3000 kms., as and when such increase is found to be commercially viable by Government of Maharashtra.

5. *General provisions for temporary permits.*— (i) Seperate list of different type of Temporary Permits (Goods Carriage / Contract Carriage) issued in each month shall be submitted to the Transport Commissioners of each State by the other State.

(ii) The Transport Authority of each State granting such permit shall direct the owner / driver to pay the taxes at the tax Collection Centres / Check posts at border before entering into the State.

(iii) All Temporary Permits, other then those issued under Sec. 87 (i) (d), if countersigned or allowed, shall be on double point taxation basis

that means every such permit holder will have to pay both Special Road Tax / Passenger Tax / Goods Tax and Motor Vehicle Tax / Road Tax, as the case may be, along with the countersignature fee of the concerned State.

6. *Taxation.*— The taxes of reciprocating States in respect of different types of vehicles operating on various classes of permits shall be payable as per provisions of the Taxation Act and Rules of the respective States.

7. *Countersignature.*— The countersignature for stage carriage permits shall be granted by the State Transport Authority or Regional Transport Authority of any State, as the case may be, on the recommendation made by the Transport Authority of the other State.

8. *General.*— (i) The reciprocating State shall accord recognition of the tax tokens, drivers licence and conductor licence, transport vehicle authorization and the certificate of fitness issued under the relevant rules of each of the two State in respect of vehicles operating on Inter-State Routes, in accordance with this agreement.

(ii) This agreement shall be valid till such time as a new agreement is arrived at between the two State by mutual consent. This agreement can, however, be rescinded by either State after issue of three months notice.

(iii) Both States have expressed concern about pollution caused by motor vehicles. In view of the orders passed by Hon'ble Supreme Court in W.P. No. 13029/1985 (M. C. Mehta v/s Union of India and others) AIR 2002 SC 1696, and in Indore Tempo Union v/s Government of Madhya Pradesh in W. P. No. 25198-25199/2005 order dated 17th July 2006 and order passed by Hon'ble High Court, Mumbai in W.P. 1762/1999 and order passed by M. P. High Court, Indore in W.P. No. 1010/2006, dated 22-1-2007 it is agreed upon :—

(a) that no permit for passenger vehicles will be issued or countersigned by any State, which is of more than ten years old from the date of initial registration.

(b) that in case of goods vehicle the abovementioned age limit will be 12 years from the date of initial registration.

In Witness Whereof the parties hereto have signed this agreement on this day and year first above written.

S. N. THANVI,
Principal Secretary
(Home Affairs and Transport),
Government of Rajasthan.
For and on behalf of the
Governor of Rajasthan.

RAMANATH JHA,
Principal Secretary
(Transport and Excise),
Government of Maharashtra.
For and on behalf of the
Governor of Maharashtra.

Witness :

Shri B. L. ARYA
Managing Director,
Rajasthan State Road Transport
Corporation,
Jaipur (Rajasthan).

Witness :

Shri O. P. GUPTA
Vice-Chairman and
Managing Director,
Maharashtra State Road Transport
Corporation, Mumbai (Maharashtra).

Shri RAVINDRA YADAV
Dy. Transport Commissioner (M)
Transport Department,
Government of Rajasthan.

Shri S. D. SHINDE
Transport Commissioner,
Maharashtra State, Mumbai.

ANNEXURE 'A'
Statement showing routes operated by Rajasthan State Road Transport Corporation in Maharashtra

Sr. No.	Name of the route	Distance in Kms.		Total Kms.	No. of single trips Raj.	Operational Kms. in Mah.	No. of Permits Raj.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Kalyan-Pali extended upto Sojat	201	158	625	984	2	316
2	Revdar-Borivali	61	164	625	850	2	328
3	Udaipur-Mumbai	124	164	508	796	2	328
4	Sayara-Palghar via Udaipur-Ahmedabad.	193	76	508	777	2	152
5	Jodhpur-Mumbai via Ahmedabad extended from Jodhpur to Phalodi.	418	153	625	1196	2	306
6	Banswara-Mumbai via Godhra-Baroda-Surat.	70	221	421	712	2	442
7	Salunbar-Mumbai	137	139	508	784	2	278
8	Bhinmal-Mumbai via Raniwada	74	153	625	852	2	306
9	Udaipur-Shirdi via Ahmedabad-Songara.	143	247	365	755	2	494
Total		1421	1475	4810	7706	18	2950
						18	18

ANNEXURE 'B'

Statement showing routes operated by Maharashtra State Road Transport Corporation in Rajasthan.

Sr. No.	Name of the route	Distance in Kms. Raj.	Mah.	Guj.	Total Kms.	No. of trips Mah.	Opera- tional Kms. Mah. in Raj.	No. of Permits Mah.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	Mumbai-Udaipur	..	124	164	508	796	4	496
2	Mumbai-Mount Abu	..	44	164	500	708	4	176
3	Nashik-Mount Abu	..	44	159	570.2	773.2	4	176
4	Dhule-Mount Abu	..	44	125.7	570.2	739.9	4	176
	Total	..	256	612.7	2148.4	3017.1	16	1024
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By Order and in the name of the Governor of Maharashtra,

J. M. CHAVAN,

Deputy Secretary to the Government.